

March 6, 2008

Benjamin C. and Martha Reed
2071 Main Road
Tiverton, Rhode Island 02878

Thomas and Christine M. Bandoni
2091 Main Road
Tiverton, Rhode Island 02878

Re: Tiverton Zoning Board Relief; Map 1-9, Block/Plat 74, Card/Lot 3 & 4

Dear Mr & Ms. Reed and Bandoni:

The following is the decision on your Petition heard by the Zoning Board of Review (the "Board") on March 5, 2008 for a request for a variance from Article V, Section 1 of the Tiverton Zoning Ordinance (the "Zoning Ordinance") to transfer land area from one lot to another and to maintain existing structures on property located at 2071 and 2091 Main Road, Tiverton, Rhode Island, at Map 1-9, Block/Plat 74, Card/Lot 3 & 4 (the "Premises") with less than required lot area and closer to the rear and side property lines than is allowed in an R40 district.

After the testimony was completed at the public hearing for which due notice was given and a record kept, and after having viewed the premises and the surrounding area, the Board, taking into consideration its knowledge and expertise and all of the testimony and evidence entered into the record at the public hearing, makes the following findings:

1. That the Premises constitutes two separate lots, Lot 3 containing approximately 14,780 square feet of land area, more or less, and Lot 4 containing 24,185 square feet of land area, more or less, and are zoned R40 residential.
2. A residential dwelling is located on each lot comprising the Premises.
3. The petitioners testified that they wished to relocate an existing lot line dividing the two lots to allow for safe access onto Lot 3 by avoiding the need for cars parked at the residence located on Lot 3 to back out onto Main Road. The petitioners further testified that a stone wall separating the properties would have to either be removed or relocated. The proposed new driveway/parking area would not be paved. The Planning Board granted administrative subdivision approval of the proposal, subject to the petitioners obtaining all the necessary zoning relief from the Board. The proposal requires variance relief from the Board, pursuant to Article V, Section 1. of the Zoning Ordinance because the existing lots are undersized for the zoning district and the existing residential structures are located closer to the rear and side property lines than is allowed in an R40 district.
4. The petitioners testified that the proposal would meet current neighborhood development conditions and that no alterations to the existing structures were proposed.
5. The petitioners also testified that the proposal would be in keeping with the development in the surrounding area, would not negatively impact any nearby property owners and was the least relief necessary.
6. No objections were raised to the proposal.
7. The Board concurred with the factual statements and opinions of the petitioners, whose information, analysis and conclusions were found credible and are made a part of the record. No objections were presented by any abutters.

Based on the foregoing and after deliberations on the application, the Board voted unanimously to grant the application for the necessary variances, as follows:

- a. Special conditions and circumstances exist which are special and peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same zoning district, and are not due to a physical or economic disability of the petitioners.
- b. Issuance of the requested relief will not be contrary to the public interest, and that, owing to special or peculiar site or structural conditions, literal enforcement of the provisions of this ordinance would result in an unnecessary hardship on the petitioners.
- c. The unnecessary hardship, which the petitioners seek to avoid, has not been imposed by any prior action of the petitioners and is not based purely for monetary gain or loss.
- d. The granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of the zoning ordinance or the comprehensive plan upon which the ordinance is based.
- e. Relief from the provisions of this ordinance is the least relief necessary to remove the unnecessary hardship.
- f. That nonconforming use of neighboring lands, structures or buildings in the same district, and permitted use of lands, structures or buildings in an adjacent district did not form the grounds for the application of this variance request.
- g. That the hardship that will be suffered by the petitioners of the subject property if the dimensional variance is not granted amounts to more than a mere inconvenience.

This petition is granted by the Board with the following stipulations and conditions:

1. That this decision must be recorded in the Land Evidence Records in the Town Clerk's Office before a building permit/certificate of occupancy is issued. (Please note that the appeal period (20 days) begins when said decision is recorded and posted with the Town Clerk's Office).
2. That the relief is limited to the plans and representations made by the petitioners to the Board, which shall include the following conditions:
 - a. no expansion of the existing residential structures located on the Premises;
 - b. no commercial use of either property is permitted;
 - c. the area to be transferred shall remain unpaved; and,
 - d. no new curb cuts are permitted to access the Premises.

Changes to the approved plan may be made without approval of the Zoning Board of Review if needed to comply with either the building or fire codes.

3. That this grant shall be activated with a building permit/certificate of occupancy, within one (1) year, unless extended by the Board, or it shall become void.

Present this letter to the Building Inspector when applying for the necessary permits.

Very truly yours,

David Collins, Chairman
Tiverton Zoning Board of Review